

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

JAVIER RODRIGUEZ,

Plaintiff,

v.

Civ. No. 17-390 JCH/GJF

UNITED STATES OF AMERICA,

Defendant.

**ORDER GRANTING SUBSTITUTION OF DEFENDANT**

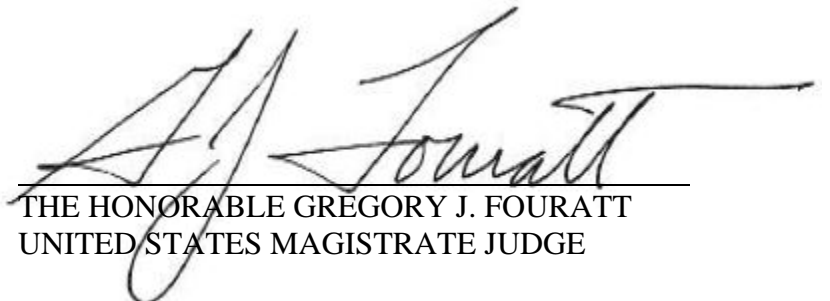
THIS MATTER comes before the Court on Defendants' "Unopposed Motion for Substitution" ("Motion"). ECF No. 21. Having considered the Motion and noting the concurrence of the parties, the Court finds the United States of America is the proper federal defendant with respect to the common law tort claims alleged in the Complaint against Defendants Ben Archer Health Center, Inc. and Jie Luo, M.D.

**IT IS THEREFORE ORDERED** that the United States of America is substituted as Defendant with respect to the claims alleged in the Complaint against Defendants Ben Archer Health Center, Inc. and Jie Luo, M.D.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendants Ben Archer Health Center, Inc. and Jie Luo, M.D. are dismissed with prejudice.

**IT IS FURTHER ORDERED** that hereafter, the caption for this cause shall be: *Javier Rodriguez, Plaintiff, vs. United States of America, Defendant.*

**IT IS SO ORDERED.**

  
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THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE